

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2003-358-C - ORDER NO. 2004-53  
OCTOBER 11, 2004

IN RE: Proceeding to Address Public Interest Pay Telephones in South Carolina	) ORDER GRANTING THE ) WOMEN'S SHELTER'S ) PETITION TO ) INTERVENE OUT OF ) TIME
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This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Petition to Intervene Out of Time (Petition) in the above-captioned proceeding from The Women's Shelter (The Shelter). The Shelter's Petition was filed pursuant to S.C. Code Ann. Regs. 103-836.

The present proceeding was established upon the Commission's finding that a proceeding should be initiated to address issues related to a Public Interest Payphone Program. The Commission's Deputy Executive Director required publication of a Notice of the generic proceeding in newspapers of general circulation. The purpose of the Notice was to provide notification of the proceeding to any interested parties and to advise interested parties of the manner and time in which to file pleadings to participate in the docket. Additionally, the Notice provided the date and time for which a hearing on this matter had been scheduled. In the present case, pleadings for participation in this docket were to be filed on or before January 21, 2004. The hearing on this matter is scheduled for February 20, 2004. In response to the Notice, several parties intervened in the proceeding.

On January 23, 2004, which was after the return date established by the Notice, The Shelter filed a Petition to Intervene Out of Time by which The Shelter seeks to present its views and present evidence at any hearing on this matter. According to the Petition, The Shelter did not become aware of the present proceeding until one day after the expiration of the time period for intervention.

The Shelter states that it is a 501(c)(3) non-profit organization formed and existing under the laws of the State of South Carolina located at 3425 Main Street, Columbia, South Carolina (the Shelter Location). The Shelter provides support, counseling, and short-term residence for up to forty-seven (47) homeless and abused women. As to the facts surrounding the present proceeding, The Shelter states that it entered into an agreement with BellSouth Public Communications, Inc. (BellSouth) on or about July 27, 1996, for BellSouth to serve The Shelter's residents and others visiting the Shelter Location. According to The Shelter, BellSouth agreed under the terms of the agreement to provide and support a public payphone at the Shelter Location. The Shelter asserts that its public payphone is the only publicly available telephone accessible to The Shelter's residents, and the payphone is critical to the residents' welfare.

As grounds for intervention, The Shelter asserts that there is no party of record in the proceeding to represent the interests of payphone users. The Shelter notes that the parties of record to this proceeding represent providers of telecommunications services and the payphone industry. The Shelter states that to its knowledge there are no: (1) users of public payphones supported by BellSouth or other providers; or (2) public payphone location providers, particularly those who serve individuals who are unlikely to have any

other source of local telecommunications services. The Shelter asserts that each of the groups stated above would be affected by the present proceeding and that since The Shelter and its residents fall into the affected groups, The Shelter's participation in the proceeding will provide assistance to the Commission in consideration of the issues affecting such groups and the impact of a public interest payphone policy in the State. Moreover, The Shelter alleges that granting of its intervention out of time will not cause any undue delay and would be in the public interest.

Based upon the foregoing, the Commission finds and concludes that:

1. The Women's Shelter's Petition to Intervene Out of Time should be granted as standing has been demonstrated for it to be a formal party of record. Further, the Commission discerns no prejudice to any party by granting The Women's Shelter's Petition to Intervene Out of Time.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)